UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/483,110	01/14/2000	Faisal Haq	M-7998-US	7946

			EXAMINER
33031	7590	11/14/2005	DUONG, FRANK

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ART UNIT	PAPER NUMBER
2666	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)	
Advisory Action ***Before the Filing of an Appeal Brief***		09/483,110	HAQ ET AL.	
		Examiner	**Art Unit**	
		Frank Duong	2666	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>27 October 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

    b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

    Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Attachment!.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

FRANK DUONG
PRIMARY EXAMINER

Attachment

Applicants' arguments are not persuasive for the following rationales:

In the Remarks, on page 17, of the outstanding response filed 10/27/05,

Applicants state "*Applicants note in the system taught in Dobbins, the information stored*

in the cache is a single result ... obtained by accessing an access list, and is not an

access list itself. Thus, Dobbins does not anticipate, teach or suggest a Hash Table

that is configured to encode an Access Control List". The argument has been noted,

but not persuasive. Dobbins, as clearly pointed out in the Office Action, does indeed

anticipate the claimed invention in the present condition. The claims, especially claim 1,

just call for receiving a packet and *disposing of* (*filtering or discarding or dropping or*

even forwarding) the received packet *in response to a walk of* (*search or lookup or*

using) a *hash table* (*forwarding table or lookup table*). Dobbins, as clearly pointed out in

the Office Action, discloses FAS (*Forwarding and Service*) of Figure 4 does just that. At

col. 7, line 55 and thereinafter, Dobbins discloses in response to receipt of a packet on

interface object-1 (11), a service method, to include accessing a forward lookup table 20

for the best route to a destination, is called. The disclosure thereat clearly anticipates

the claimed limitations in a manner as recited. As for the limitation of "*the Hash Table is*

balanced, the Hash Table is configured to store Binary Comparison Trees, an the Hash

Table is configured to encode an Access Control List", Dobbins (col. 11, lines 10-14 and

thereinafter) discloses [To] provide an object-oriented, powerful and very efficient

access control mechanism, a base class FAC (Forwarding Access) was invented. For

efficiency, FAC keeps access list entries as nodes in an AVL tree, clearly anticipated

the claimed limitation in a manner as recited. As for the argument of *"the information stored in the cache is a single result ..., obtained by accessing an access list, and is not an access list itself"*, the argument is noted. However, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *"the information stored in the cache is a single result ... obtained by accessing an access list, and is not an access list itself"*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Moreover, on page 17, Applicants also argue *"it is noted that ... AVL tree, not Binary Comparison Trees themselves, in the cache ... not provide any information about whether a hash table is balanced"*. In response Examiner again respectfully disagrees. The AVL tree was named after two Russian mathematicians, Adelson-Velskiy and Landis and the main driving force was it height-balance algorithm. The AVL tree (corresponding to "hash table), as known by those skilled in the art and well documented, is balanced. The Dobbins' passage, cited in the Office Action, serves a sole purpose of directing the Applicants' attention the balanced nature of AVL tree. In addition, the Office Action has also noted that access list entries (*binary comparison trees*) are kept in A VL tree discussed at col. 11, lines 10-14. Thus, contradistinction to the Applicants' argument, Dobbins does clearly anticipate the claimed invention in the present condition. Perhaps, in a response to this Office Action, Applicants should

further amend the claims to include the objected limitations in the dependent claims into

the base claims to place the instant application in a favorable condition for allowance.

FRANK DUONG
PRIMARY EXAMINER